

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

MAW Communications, Inc.,

*Complainant,*

v.

PPL Electric Utilities Corporation,

*Defendant.*

Proceeding Number 19-29  
Bureau ID Number EB-19-MD-001

**COMPLAINANT’S REVISED FIRST SET OF  
INTERROGATORIES TO DEFENDANTS**

MAW Communications, Inc. (“MAW”) respectfully submits this Revised First Set of Interrogatories in its Complaint against PPL Electric Utilities Corporation (“PPL” or “Pole Owner”) pursuant to Subpart J of the Federal Communications Commission (“FCC” or “Commission”) Rules, 47 C.F.R. §§ 1.1401 *et seq.* for an ongoing denial of access to PPL’s poles. In accordance with 47 C.F.R. § 1.730, MAW hereby requests that Defendant PPL respond to the following first set of interrogatories fully, in writing, and that said written responses be signed and served upon counsel for MAW within twenty (20) days after service. Consistent with Rule 1.730(b), all of the information requested herein pertains to PPL’s denial of access which is the subject of MAW’s complaint. As set forth in the instructions, MAW is not seeking information that is available from any source other than PPL. These interrogatories are governed by the following definitions and instructions:

## **DEFINITIONS**

1. The terms “you,” or “your,” as used herein, means the Defendant PPL and any and all employees, members, agents and any other persons acting on your behalf or under your direction or control.
2. The term “Complainant,” as used herein, means the Complainant MAW.
3. The term “Document” as used herein means and includes without limitation the following items, whether printed, microfilmed, electronically recorded in sound and/or pictures, stored in computer memory or in a computer database, or reproduced by any process, or written or produced by hand, and regardless of whether claimed to be privileged or confidential or personal: letters, correspondence, memoranda, reports, summaries, notes, notebooks, sketches, prints, photographs, printed forms, manuals, brochures, diaries, books, lists, publications, agreements, working papers, intracompany and intercompany communications, forecasts, statistical statements, graphs, charts, plans, drawings, minutes or records of meetings or conferences, policy statements, circulars, and any and all other writings. The above includes any and all other materials of any tangible medium of expression and original or preliminary notes, including drafts, typings, printings, minutes, or copies or reproductions thereof that are now or have ever been in your possession, custody or control. The above does not include correspondence between MAW and PPL, unless such correspondence has been annotated or altered in any way. The above does not include documents known to be available publicly, or to have been provided directly to MAW or made available in the ongoing litigation in Court of Common Pleas of Lehigh County, Pennsylvania. *See PPL Elec. Util. Corp. v. MAW Commc’ns, Inc.*, Ct. Comm. Pl. of Lehigh Cty., Pa., No. 2017-C-3755.

4. “Communications” mean any instance in which the words or information is transferred or transmitted between two or more persons by whatever manner or means, and regardless of how or by whom the communication was initiated, including but not limited to, e-mail correspondence, other written correspondence including notes, calendar entries, journal entries, conversation, instructions, meetings, requests, demands, and conferences.

5. “Pole Attachment Agreement” refers to the Telecommunications Pole Attachment License Agreement between PPL Electric Utilities Corporation and MAW Communications, Inc. executed by PPL on December 20, 2002.

6. “Person” or “Persons” means any legal entity or entities including, without limitation, any individual, firm, partnership, corporation, association, trust, organization, public agency or body, joint venture or other form of business organization entity or arrangement.

7. The term “Relating to,” as used herein means concerning, verifying, proving, disproving, constituting, consisting of, summarizing, describing, mentioning or referring to.

8. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories all responses that might otherwise be construed to be outside of its scope.

9. The terms “any” and “all” shall each mean “any and all”.

10. Use of the singular form of any word includes the plural and vice-versa.

11. References to the name of a company or the designation of a party include the company or corporation, as the case may be, or the party, and its employees, agents, directors, officers, principals, partners, representatives, attorneys, investigators, consultants, and subcontractors.

12. Identification.

- A. The term “identify” when used in reference to an individual person means to state the person’s full name, present address and telephone number, if known; the person’s present or last known title, position, and business affiliation; and the general subject matter(s) about which the person has knowledge. When used in reference to a person other than an individual person, “identify” means to state whether such person is a corporation, company, partnership, association, joint venture, or other organization, and the name, present and last known address, and principal place of business.
- B. The term “identify” when used in reference to a document means:
- 1) to provide a brief description of such document, including date, author, recipients and content or substance;
  - 2) to identify a custodian of the document, and indicate whether there is more than one custodian of the document;
  - 3) to identify the place where the document may be inspected; and
  - 4) if any such document was, but is no longer in your possession, custody, or control, to state what disposition was made of such document.

### **INSTRUCTIONS**

1. These interrogatories are continuing in nature. If you obtain additional information, a supplemental response shall be promptly furnished.
2. To the extent you consider any of the following interrogatories, or subparts thereof, to be objectionable, answer that portion of the interrogatory, or subpart thereof, to which

you have no objection and separately state the portion of the interrogatory, or subpart thereof, to which you have an objection and state the specific grounds therefore.

3. Should you claim a privilege in connection with any of your responses, you shall identify the privilege claimed and produce an index identifying any document(s) withheld under a claim of privilege. You shall state all facts that demonstrate why the information or the document(s) sought by any of the following requests are entitled to the privilege asserted. Failure to produce the required index or to state the facts supporting the claim of privilege shall be a waiver of any privilege as to the information or document(s) withheld.

4. Per FCC Rule 1.730(b), MAW is not seeking information that is available from any source other than PPL.

### **INTERROGATORIES**

~~1. Identify any and all documents in your possession created on or after June 1, 2015 relating to the removal of MAW facilities attached to PPL poles.~~

~~2. Identify any and all documents in your possession created on or after June 1, 2015 relating to requests made by MAW to access facilities attached to PPL poles, including any decisions by PPL to deny such requests.~~

1. Identify any and all documents in your possession created on or after June 1, 2015, relating to MAW lines or equipment that can be searched electronically and refer to NESC Rule 214, by witness and date and include a brief description of the contents of each identified document.

2. Describe in detail the information that PPL contends is missing from each of MAW's 18 applications that PPL has marked "Incomplete."

3. Describe PPL's communications with the City or LCSC regarding the correction of recorded defects on City or LCSC attachments to PPL poles.

4. Not including the 428 attachments that PPL admits that LCSC transferred to MAW, identify all additional City or LCSC attachments to PPL poles (whether authorized or unauthorized) that are also listed by pole number in MAW's 2015 survey, attached to MAW's Reply as Attachment A, Exhibit 3.

5. Describe MAW offers to remediate and/or settle the case not described below:

- a. June 20, 2018 letter from MAW proposing a 2-step path to authorization for MAW's j-and-raise of the obsolete municipal network and a separate 7-step path to authorization for MAW's single mode fiber network, which MAW clarified and revised in a subsequent letter on June 26, 2018;
- b. July 11, 2018 correspondence from MAW requesting 180 days to transition the municipal network to a single-mode network;
- c. August 27, 2018 settlement offer to PPL, building on prior offers and proposing specific solution for all alleged unauthorized attachments (including payment of multiple years of back rent), and adding specific solutions for timing of municipal network conversion from multimode to single node network, and for remedying non-compliance including for separation from streetlights, mid-span clearance issues, supply space issues, and splice boxes on poles;
- d. October 2018 proposed Memorandum of Understanding between MAW and the City to address PPL concerns that certain municipal attachments were not transferred to MAW; and

e. January 28, 2019 request by MAW for executive-level discussions in an attempt to settle its dispute.

~~3. Identify any and all documents in your possession relating to the Engineer's Report of the Safety of MAW Communications Fiber Optic Cable Installations prepared by Daryl L. Ebersole, P.E., and Jeffrey M. Kobilka, P.E., Robson Forensic—The Experts, dated January 7, 2018.~~

~~4. Identify any internal documents and or studies created by PPL or at the direction of PPL or consulted by PPL on or after June 1, 2015 concerning all dielectric self supporting ("ADSS") cable as it relates to the National Electric Safety Code ("NESC").~~

~~5. Identify any and all documents in your possession created on or after June 1, 2015, relating to NESC Rule 238, Table 238-2, as it related to MAW's attachments.~~

~~6. Identify all documents relating to the definition of "Service Drop Attachment" as that term is used in the parties' Pole Attachment Agreement.~~

~~7. If it is your contention that PPL only removed MAW attachments that would reasonably be expected to endanger human life or property, identify all facts and assumptions on which you rely to support such contention.~~

~~8. Identify any and all Persons having knowledge of the facts supporting your answer to Interrogatory No. 8.~~

~~9. Identify each person who furnished information used to respond to these interrogatories, stating, with respect to each person, the interrogatories for which he or she provided information.~~

Respectfully submitted,

**MAW Communications, Inc.**

/s/ Maria T. Browne

By its Attorneys

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Dated: April 29, 2019



## CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2019, I caused a copy of MAW Communications, Inc.'s Revised First Set of Interrogatories to PPL to be served on the following (service method indicated below):

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
(via electronic filing)

Lisa Saks  
Federal Communications Commission  
Enforcement Bureau  
445 12<sup>th</sup> Street, SW  
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Secretary's Bureau  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
(via U.S. mail)



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Maria T. Browne